



COVID-19: Federal Emergency Paid Leave

The U.S. government enacted [H.R. 6201](#), the Families First Coronavirus Response Act, into law on March 18, 2020, which will go into effect two weeks after that date. Notably for employers, it includes two short-term leave provisions and corresponding refundable tax credits to help pay for them. Some key provisions:

1. Private sector employers with fewer than 500 workers (and governmental entities) will have to provide employees who cannot work or telework with paid sick time off if the employee is: (i) an employee subject to a coronavirus quarantine or isolation order; (ii) an employee who has been advised by a health care provider to self-quarantine due to coronavirus concerns; (iii) an employee who is experiencing symptoms of coronavirus and is seeking a medical diagnosis; (iv) an employee caring for an individual described in (i) or (ii) above; (v) an employee caring for a child whose school or place of care is closed, or the child care provider of the child is unavailable, due to coronavirus precautions; or (vi) an employee who is experiencing any other substantially similar condition specified by the Department of Health and Human Services in consultation with the Treasury and Labor Departments.
2. Employers will have to post a notice containing information regarding the emergency sick leave provisions; the Labor Department is to create a model notice no later than 7 days after the Act is enacted.
3. Employers with less than 500 workers will be required to provide up to 12 weeks of FMLA leave for employees who have been on the job for at least 30 days, and who are unable to work or telework because they have to care for a minor child if the child's school or place of care has been closed, or if the child care provider of that child is unavailable due to a coronavirus emergency. A portion of the FMLA leave is required to be paid, subject to certain caps under the new law.
4. The Labor Department will be authorized to issue regulations to (i) exclude certain health care providers and emergency responders from paid leave benefits, and (ii) exempt small businesses with fewer than 50 employees from the paid leave requirements "when the imposition of such requirements would jeopardize the viability of the business as a going concern."

Now that the bill has been signed into law, employers need to act swiftly to amend policies and train employees to ensure that employee leaves are administered in accordance with the new law. Please contact our [office](#) with any questions about how these temporary paid leave provisions may apply to your business.

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